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4 Attorney for Defendant
5 MARIO GONZALEZ

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE EASTERN DISTRICT OF CALIFORNIA

8
9 UNITED STATES OF AMERICA,) 2:20-CR-00013-WBS
10 Plaintiff,) NOTICE OF MOTION AND
11 vs.) MOTION FOR BAIL REVIEW
12 MARIO GONZALEZ,) Date: July 14, 2022
13 Defendant.) Time: 2:00 p.m.
Courtroom: 26
Honorable Allison Claire

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16 PLEASE TAKE NOTICE that on July 14, 2022, at 2:00 p.m., or as soon thereafter as the
17 matter may be heard in the above-entitled court, defendant MARIO GONZALEZ, by and
18 through counsel, will move and does hereby move this court for an order granting his request for
19 pretrial release on a combination of conditions. A detention hearing was previously held, and Mr.
20 Gonzalez was ordered detained. Circumstances have since changed. Now, a secured bond, a
21 third-party custodian, and other appropriate conditions are available.

22 This motion will be based upon this notice, the attached memorandum of points and
23 authorities, the documents and any exhibits filed herein, and upon any such evidence, testimony
24 and argument which may be presented at the hearing on this motion.

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1 DATED: July 5, 2022

Respectfully submitted,

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3 /S/ Chris Cosca
4 CHRIS COSCA
5 Attorney for Defendant
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CHRIS COSCA
Attorney for Defendant
MARIO GONZALEZ

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5 MARIO GONZALEZ

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE EASTERN DISTRICT OF CALIFORNIA

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9 UNITED STATES OF AMERICA,) 2:20-CR-00013-WBS
10 Plaintiff,)
11 vs.) MEMORANDUM OF POINTS AND
12 MARIO GONZALEZ,) AUTHORITIES IN SUPPORT OF
13 Defendant.) MOTION FOR BAIL REVIEW

15 **I. INTRODUCTION**

16 Defendant seeks reconsideration of the court's decision to deny pretrial release. At the
17 previous detention hearing, relevant information was unknown or uncorroborated, and adequate
18 conditions of release were unavailable. Now, Mr. Gonzalez's wife, Daisy Zamora is willing to
19 serve as a third-party custodian and sign an unsecured bond. Ms. Zamora is stable, responsible,
20 employed, and willing to pledge substantial resources to assure Mr. Gonzalez complies with
21 pretrial release conditions. If the court finds it necessary, she and Mr. Gonzalez are also willing
22 to post a secured bond, pledging their family home as security to assure future court appearances.
23 The home is located in Kennewick, Washington, and has approximately \$115,000.00 in equity.
24 Mr. Gonzalez is willing to follow any other conditions the Court may impose.

25 **II. AUTHORITY**

26 Pursuant to 18 U.S.C. § 3142(f), a bail hearing "May be reopened...at any time before
27 trial if the judicial officer finds that information exists that was not known to the movant at the
28 time of the hearing and that has a material bearing on the issue whether there are conditions of

1 release that will reasonably assure the appearance of such person as required and the safety of
2 any other person and the community. Pretrial detention of a criminal defendant is only
3 appropriate where a judicial officer “finds that no condition or combination of conditions
4 [pertaining to release] will reasonably assure the appearance of the person as required and the
5 safety of any other person and the community.” 18 U.S.C. § 3142(e).

6 In determining whether there are conditions of release that reasonably assure the
7 appearance of the defendant as required and the safety of the community, the judicial officer
8 shall consider four factors at a pretrial detention hearing. (18 U.S.C. § 3142(g).) These factors
9 are (1) the nature and circumstances of the offense charged; (2) the weight of the evidence
10 against the person; (3) the history and characteristics of the person; and (4) the nature and
11 seriousness of the danger to any person or the community that would be posed by the person’s
12 release. (Id.) The second factor, “weight of the evidence,” is the least important of those factors.
13 (*United States v. Cardenas*, 784 F.2d 937 (9th Cir. 1986); *United States v. Birges*, 523 F.Supp.
14 468, 470.)

15 **III. ARGUMENT**

16 Mr. Gonzalez is charged by indictment with Felon in Possession of a Firearm. Although
17 his criminal history is lengthy, the last conviction was in 2014. At the initial detention hearing,
18 no adequate sureties were available and pretrial services was unable to gather sufficient
19 background information. Now, Mr. Gonzalez’s wife is willing to serve as a third-party custodian
20 and sign bonds, both unsecured and secured. Daisy Zamora would be an excellent third-party
21 custodian. She is responsible and hard working. For approximately 20 years, she has worked for
22 Costco.

23 If released, Mr. Gonzalez will reside with his wife in the State of Washington. He
24 travelled out of the country one time when he was 15 years old. He does not have a passport. His
25 criminal history is minimal. He will conduct himself properly if released and follow any
26 conditions the court may impose.

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1 **IV. CONCLUSION**

2 In order to detain a defendant, the court must be satisfied that “no combination of
3 conditions” of release will reasonably assure his appearance. (18 U.S.C § 3142(e).) Here, a third-
4 party custodian, an unsecured bond, and a secured bond, will adequately assure Mr. Gonzalez’s
5 appearance. He is willing to accept any additional condition of release if deemed appropriate.
6 Accordingly, Mr. Gonzalez respectfully requests that the court order his release with appropriate
7 conditions.

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10 DATED: July 5, 2022

Respectfully submitted,

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12 /S/ Chris Cosca
13 CHRIS COSCA
14 Attorney for Defendant
15 MARIO GONZALEZ
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